IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10109 of 2007(C)

PETITIONER:

JOSEPH ROSARIO,S/O.SEBASTIAN ROSARIO,
AGED 31 YEARS,DRIVE PC 267,PATHANAMTHITTA POLICE
STATION,PATHANAMTHITTA.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

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1. THE DIRECTOR GENERAL OF POLICE,
TRIVANDRUM,

2. THE INSPECTOR GENERAL OF POLICE,
ARMED POLICE BATTALIONS AND TRAFFIC PLANNING,
TRIVANDRUM.

3. THE COMMANDANAT,KAP 2,BATALLION,
MUTTIKULANGARA,PALAKKAD.

4. THE SUPERINTENDENT OF POLICE,
PATHANAMTHITTA.

5. THE ASST.COMMANDANT,DISTRICT ARMED
RESERVE,PATHANAMTHITTA.

BY GOVT.PLEADER SRI.BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 10109 of 2007-C

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Dated this the 23rd day of March, 2007.

J U D G M E N T

Petitioner is a Driver Police Constable working in Pathanamthitta Police Station. In October 2003, the vehicle which was being driven by the petitioner had got involved in an accident. Though the petitioner was acquitted in the criminal case registered in connection with the above accident, departmental proceedings initiated against him culminated in barring of two increments without cumulative effect. Further, a sum of Rs.77,944/-, being the total amount of loss sustained by the Government by way of damage to the Police vehicle was also ordered to be recovered from him. True copies of the orders passed against the petitioner are on record as Exts.P3 and P4. It is submitted by the learned counsel that petitioner has preferred Ext.P5 appeal against Exts.P3 and P4 orders. The limited prayer is to issue an appropriate direction to the appellate authority to consider and pass orders on Ext.P5 without any delay.

2. Learned Government Pleader submits that if Ext.P5 has been preferred as contented by the petitioner, an appropriate decision will be taken in the matter expeditiously.

In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.2 to consider and pass orders on Ext.P5 strictly on its merit and in accordance with law as expeditiously as possible at any rate within 2 months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be

afforded an opportunity to be heard before any decision is taken in the matter. No recovery proceedings shall be initiated against the petitioner till a final decision is taken on Ext.P5.

an. **A.K. Basheer**
Judge.